

**TOWN OF BARNSTABLE
TOWN COUNCIL MEETING
May 1, 2008**

A quorum being duly present, Council President Janet Joakim called the meeting of the Barnstable Town Council to order at 6:00 pm, on Thursday, May 1, 2008, at the Barnstable Town Hall, 2nd Floor Hearing Room, 367 Main Street, Hyannis, MA 02601.

PRESENT: Richard Barry (7), Janice Barton, Ann Canedy, Frederick Chirigotis (7), Henry Farnham, Janet Joakim, Leah C. Curtis, J. Gregory Milne, James Munafò, Jr., Thomas Rugo (6:15), James M. Tinsley, Jr. (6:40) and Harold Tobey. **Absent:** James Crocker, Jr.

President Joakim led the Council in the Pledge of Allegiance and a moment of silence.

Airport Commission Workshop

Present: Chairman Arthur Kimber, Robert O'Brien, John Griffin, Ronald Persutti, Michael Dunning, Donald Megathlin, Daniel Santos and Bruce Gilmore, Commission Attorney

Chairman Kimber reviewed what the commission has done with respect to the terminal project. It is four months behind schedule. He updated the council on related issues such as the friendly acquisition of the Blackburn property in February; a business plan to take over the parking when the lease of the current company expires; jet fuel sales and the impact of newspaper delivery to Nantucket.

Airport Manager Quincy (Doc) Mosby reviewed the airport's financial plan (See Exhibit A), a summary of cost and design changes, along with a recently updated 20-year cash flow *pro forma* (See Exhibit B). The financial plan is a work in progress which uses a conservative approach and best-guess estimates. The airport now owns the Blackburn property. The clean-up, which is ahead of schedule, used escrow funds. State requirements for the pet grooming property have increased. Manager Mosby does not want to do a project without the funding, in order not to jeopardize the financial plan. He has increased the per gallon price of jet fuel, looking at airports with commercial service and corporate jets for setting the pricing baseline. He cannot raise it any more even though the 40% profit margin has suffered. Despite the drop in profit margins, they are still exceeding the anticipated income for FY08 and anticipate making the FY09 target.

Town Manager John Klimm discussed the possible negative impact of grant assurances that are being required by the Massachusetts Aeronautic Commission (MAC). The grant assurances currently have a proviso that the town cannot change its form of government. Given that there is a current sitting charter commission, a change in the form of town government could occur. In addition, cities and towns have the right, under Mass. General Laws, to change their governments. If the manager and council president accept these terms, MAC could ask for repayment of the \$15M grant. Where would the town or the airport find the \$15M to repay? Klimm thanked Senator O'Leary for his efforts to intercede. The town has tried to offer compromise language to get through this impasse with no success.

- Councilor Curtis asked if the need for traffic back & forth to Nantucket, has been built into the jet fuel sales projections. Kimber responded that there is no impact because the local flights do not use jet fuel.
- Councilor Farnham asked Finance Director Mark Milne whether he was comfortable with the parameters of the *pro forma*. Milne replied that the revenue projections were decreased from the consultant's *pro forma*. He thinks the jet fuel income will be less, but it could be made up in later years. Klimm added that neither he nor Milne are experts in airport financials and rely on the airport people. Absent a cost study, the parking revenue is just a projection. Farnham also asked about the effect of a possible repeal of the sales tax exemption. Chairman Kimber said he cannot project the effect if the exemption fails to go through.
- Councilor Milne asked where the airport commission was on working for the best interests of Barnstable, rather than MAC or other agencies. A promise not to change the form of government feels like blackmail to him. It is asking the town to forfeit its rights. Kimber said the Airport Commission is a creature of the Town Council and is working in the best interest of the town by managing the airport in a business-like manner.

- Councilor Rugo agrees with the town manager. The potential of the gas increase needs to be looked at seriously.
- Councilor Canedy is looking for some help with the problem of accepting a \$15M liability. Attorney Bruce Gilmore has been in frequent consultation with the town attorney. He has been at meetings with MAC. All the town players have been as one to convince MAC that they are wrong. The crux of the issue with MAC is how the airport manager is appointed, which is at variance with the personnel plan that applies to the rest of the town. The General Laws give the town the right to determine if a position is elected or appointed, but not how to do the job. That is the crux of the issue with MAC. The sale of jet fuel provides the airport an independent viability from the tax payers.
- President Joakim said an assurance that the town will not change its form of government is not in the council's purview. It is the voters' decision.

Recess at 7:15 – 7:20 PM.

PROCLAMATION – Building Safety Week 2008

President Joakim read a Proclamation designating May 5 through May 11, 2008 as Building Safety Week and awarded it to the Thomas Perry, Barnstable Building Inspector (see Exhibit C).

Inspector Perry thanked the council.

PUBLIC COMMENT

Mary Clements complained about the blog wars hurting the town. She is now exploring all forms of communication and still believes in first amendment rights. She promises to be very polite and introduced her new website.

Mary Ann Barboza complained how her sons were portrayed in the newspapers, one as common criminal. She explained the events that occurred which involved the stabbing of one of the boys. She felt that no one explored the facts.

COUNCIL RESPONSE TO PUBLIC COMMENT – There were none

ACT ON MINUTES

Upon a motion duly made and seconded it was voted to approve the minutes of April 17, 2008 with the following corrections: Add to “Councilor Canedy has dredge envy” the following: “and asked about the status of the Barnstable Harbor dredge.”

VOTE: Unanimous

COMMUNICATIONS FROM ELECTED OFFICIALS, BOARDS, COMMISSIONS, STAFF, CORRESPONDENCE, ANNOUNCEMENTS AND COMMITTEE REPORTS

- Councilor Munafò will be on vacation on the night of the town meeting May, 6. There is a Board of Health public hearing on wastewater the same day, but the public hearing will be open for several months.
- Councilor Curtis said the Appointments Committee is getting feedback from board members, and looking for volunteers to serve. She announced some upcoming activities.
- Councilor Barton announced the Youth at the Mall night sponsored by the Youth Commission.
- Councilor Canedy asked for a report on the bulkhead. Mark Ells said the bulkhead repairs are progressing and the shoring up will be completed on schedule. Given the escalating steel prices, they need to look at all options for materials.
- Councilor Farnham noted that students from various schools were involved in a clean-up. He asked if committee openings are on the web. Curtis will see that they are, and up to date.

- Councilor Milne asked if there is outreach for appointment candidates among people who have expressed an interested and are on file. Several events were announced.
- Councilor Tobey commended Director Ells on the reports he does on Barnstable.
- Councilor Barry made a political announcement.
- Lynne Poyant spoke of Mr. Chase of Sweetwaters who has moved away. She told about Sunita Williams's visit to Barnstable as an adjunct to a presentation she gave to the International Association of Administrative Professionals, IAAP. She thanked Mary Ann Hughes for her efforts in facilitating Capt. Williams's appearance.
- Manager Klimm distributed the most recent citizen's survey. (See Exhibit D) The Coastal Management Committee has been appointed: Dennis Houle, Jack Meade, Stuart Rapp, Peter Mariott, George Gilmore , Norm White, Andre Sampou, Peter Sullivan, Sue Rask, John Fallon Patrick Princi, Robert Jones and Christopher Gargiulo. He has decided to refer the Blanchards' application as a discretionary referral to the Cape Cod Commission.

ORDERS OF THE DAY

OLD BUSINESS

2008-105 APPROPRIATION & LOAN ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN TO DEMOLISH THE THREE PORTABLE CLASSROOMS AT THE HYANNIS EAST ELEMENTARY SCHOOL

Upon a motion duly made and seconded it was voted to refer this item to a public hearing on May 15, 2008.

VOTE: Unanimous

2008-108 APPROPRIATION & LOAN ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN FUNDING FOR IMPROVEMENTS TO MUNICIPAL FACILITIES

Upon a motion duly made and seconded it was voted to refer this item to a public hearing on May 15, 2008.

VOTE: Unanimous

2008-109 APPROPRIATION & LOAN ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN FOR ALUM TREATMENT IN MYSTIC LAKE, MARSTONS MILLS

Upon a motion duly made and seconded it was voted to refer this item to a public hearing on May 15, 2008.

VOTE: Unanimous

2008-110 APPROPRIATION & LOAN ORDER TO FUND THE CAPITAL IMPROVEMENT PLAN FOR IMPROVEMENTS TO BARNSTABLE SCHOOL FACILITIES

Upon a motion duly made and seconded it was voted to refer this item to a public hearing on May 15, 2008.

VOTE: Unanimous

The following item was taken out of order:

2008-130 EXEMPTION OF AN INTEREST UNDER THE CONFLICT OF INTEREST AW

Upon a motion duly made and seconded it was

RESOLVED: That the interest of Dan Proto, as baseball coach for the Barnstable High School, is hereby found to be not likely to interfere with the objective performance of his duties in the best interests of the Town in the position as member of the Recreation Commission and is hereby exempted.

VOTE: Unanimous

2008-128 APPOINTMENTS

Upon a motion duly made and seconded it was

RESOLVED, that the Town appoint the following individuals to a multiple-member board/committee/commission:

LAND ACQUISITION AND PRESERVATION COMMITTEE

Stephen R. L. Farrar, 860 River Road, Marstons Mills, as a member to a term expiring 06/30/2010

RECREATION COMMISSION

Dan Proto, 79 Capt. Bellamy Lane, Centerville, as member to a term expiring 06/30/2009

VOTE: Unanimous

NEW BUSINESS

2008-131 APPROPRIATION & TRANSFER ORDER OF COMMUNITY PRESERVATION FUNDS FOR COMMUNITY HOUSING IMPROVEMENTS AT 770 INDEPENDENCE DRIVE, HYANNIS

Upon a motion duly made and seconded it was voted to refer this item to a public hearing on May 15, 2007.

VOTE: 11 Yes, 1 No (Canedy)

Items 2008-132 to 2008-149 were read into the record and adopted as a consent agenda by one Unanimous vote of the council.

2008-132 APPROPRIATION FOR FY09 POLICE DEPARTMENT BUDGET

Upon a motion duly made and seconded it was voted to refer this item to a public hearing on May 15, 2007.

VOTE: Unanimous

2008-133 APPROPRIATION FOR FY09 BARNSTABLE MUNICIPAL AIRPORT BUDGET

Upon a motion duly made and seconded it was voted to refer this item to a public hearing on May 15, 2007.

VOTE: Unanimous

2008-134 APPROPRIATION FOR FY09 EDUCATION BUDGET

Upon a motion duly made and seconded it was voted to refer this item to a public hearing on May 15, 2007.

VOTE: Unanimous

2008-135 APPROPRIATION FOR FY09 DEPT OF PUBLIC WORKS GENERAL FUND BUDGET

Upon a motion duly made and seconded it was voted to refer this item to a public hearing on May 15, 2007.

VOTE: Unanimous

2008-136 APPROPRIATION FOR FY09 DEPT OF PUBLIC WORKS SOLID WASTE ENTERPRISE FUND BUDGET

Upon a motion duly made and seconded it was voted to refer this item to a public hearing on May 15, 2007.

VOTE: Unanimous

2008-137 APPROPRIATION FOR FY09 DEPT OF PUBLIC WORKS WATER POLLUTION CONTROL ENTERPRISE FUND BUDGET

Upon a motion duly made and seconded it was voted to refer this item to a public hearing on May 15, 2007.

VOTE: Unanimous

2008-138 APPROPRIATION FOR FY09 DEPARTMENT OF PUBLIC WORKS WATER SUPPLY ENTERPRISE FUND BUDGET

Upon a motion duly made and seconded it was voted to refer this item to a public hearing on May 15, 2007.

VOTE: Unanimous

2008-139 APPROPRIATION FOR FY 09 REGULATORY SERVICES BUDGET

Upon a motion duly made and seconded it was voted to refer this item to a public hearing on May 15, 2007.

VOTE: Unanimous

2008-140 APPROPRIATION FOR FY09 COMMUNITY SERVICES DEPARTMENT GENERAL FUND BUDGET

Upon a motion duly made and seconded it was voted to refer this item to a public hearing on May 15, 2007.

VOTE: Unanimous

2008-141 APPROPRIATION FOR FY09 COMMUNITY SERVICES DEPARTMENT GOLF COURSE ENTERPRISE FUND BUDGET

Upon a motion duly made and seconded it was voted to refer this item to a public hearing on May 15, 2007.

VOTE: Unanimous

2008-142 APPROPRIATION FOR FY09 COMMUNITY SERVICES DEPARTMENT MARINA ENTERPRISE FUND BUDGET

Upon a motion duly made and seconded it was voted to refer this item to a public hearing on May 15, 2007.

VOTE: Unanimous

2008-143 APPROPRIATION FOR FY09 COMMUNITY SERVICES DEPARTMENT SANDY NECK PARK ENTERPRISE FUND BUDGET

Upon a motion duly made and seconded it was voted to refer this item to a public hearing on May 15, 2007.

VOTE: Unanimous

2008-144 APPROPRIATION FOR FY09 GROWTH MANAGEMENT DEPARTMENT GENERAL FUND BUDGET

Upon a motion duly made and seconded it was voted to refer this item to a public hearing on May 15, 2007.

VOTE: Unanimous

2008-145 APPROPRIATION FOR FY09 TOWN COUNCIL DEPARTMENT BUDGET

Upon a motion duly made and seconded it was voted to refer this item to a public hearing on May 15, 2007.

VOTE: Unanimous

2008-146 APPROPRIATION FOR FY09 TOWN MANAGER DEPARTMENT BUDGET

Upon a motion duly made and seconded it was voted to refer this item to a public hearing on May 15, 2007.

VOTE: Unanimous

2008-147 APPROPRIATION FOR FY09 ADMINISTRATIVE SERVICES DEPARTMENT BUDGET

Upon a motion duly made and seconded it was voted to refer this item to a public hearing on May 15, 2007.

VOTE: Unanimous

2008-148 APPROPRIATION FOR FY09 OTHER REQUIREMENTS BUDGET

Upon a motion duly made and seconded it was voted to refer this item to a public hearing on May 15, 2007.

VOTE: Unanimous

2008-149 REVOLVING FUNDS AUTHORIZATION FOR FY09

Upon a motion duly made and seconded it was voted to refer this item to a public hearing on May 15, 2007.

VOTE: Unanimous

2008-150 AUTHORIZATION OF FIVE YEAR LEASE WITH CCRTA

Upon a motion duly made and seconded it was

RESOLVED: That the Barnstable Town Council hereby authorizes the Town Manager to enter into a five-year lease agreement with the Cape Cod Regional Transit Authority for a 2008 Ford Eldorado Bus to support the Silver Express transportation program.

Manager Klimm gave the rationale.

Councilor Canedy pointed out that the fiscal impact is \$1 but what is the value for thank you? Senior Services Director, Madeline Taylor, said it was a priceless addition to the seniors. Councilor Farnham wondered how many miles were driven per year. Taylor said they take about 5,000 trips per year and the miles build up. There is always a need for van drivers to volunteer.

VOTE: Unanimous

2008-151 APPOINTMENTS

Upon a motion duly made and seconded this item was referred to a second reading on May 15, 2008.

VOTE: Unanimous

Recess from 8:10 – 8:22 PM

Operating Budget Workshop

Present: Town Manager John Klimm, Assistant Town Manager Thomas Lynch, Finance Director Mark Milne and Budget Analyst Robert O'Brien

Manager Klimm said this would be an informal opportunity to answer questions, etc., and reviewed the timetable for adopting the FY09 budget, which must be passed by June 13th. There are very few changes for a budget this size. All have made tough financial choices.

Barnstable is one of a handful of communities that commit themselves to an outside opinion survey. He highlighted the results of the survey (See Exhibit D). The opinions of the residents are significant only if taken as a whole. The largest percentage of respondents said they liked the traffic least and the town appears to be going backwards on this issue, still having developments being approved that are making the traffic issues worse.

Manager Klimm then gave the budget highlights, touching on outreach efforts, including extensive use of the internet to provide as much information to the community as possible. He mentioned strides in green technology incorporated into the new Youth & Community Center, and energy conservation, exemplified by the electric vehicle being used by the police department that can go for 40 miles at 40 mph. There will be an effort to hire a Grant Coordinator, which will be an investment, to research and apply for grants. There are many grant opportunities, but the town must apply to win them. This year, \$600,000 was placed in the in snow and ice removal line item to better reflect the actual expenditure.

Mark Milne reviewed the FY09 Proposed Operating Budget. (See PowerPoint Exhibit E).

- Councilor Munafò asked about receipts. Receipts are on target for 2008. Revenues will exceed estimates but not by much. Snow removal has been moved to a fixed cost category.
- Councilor Milne asked about Mass. Technology Collaborative matching funds to buy the technology. Ells said the funding will be pursued with eligible projects and a grant coordinator may open additional opportunities. Milne noted the School System Admin. budget item had jumped 41%. This was due to adding reserves for school lunch and the

SPED area for extraordinary events. The increase in state and county assessments is due to an increase in the actual assessment or unfunded retirement: county assessments are going up slightly; most of the increase is in the state assessments, primarily teacher retirements.

- Councilor Rugo is concerned about the School Department losing 14 positions as well as the equity of school department spending vs. town spending. The school budget is up about 1% over ten years. Fixed costs are inherently greater than the personnel costs making the budget allotment an inequitable situation. Klimm said that it is a debate among councilors setting policy. Union negotiations are not controlled by him. The decision was made by the school committee to increase the benefits and live with the loss of personnel. The discussion should be continued.
- Councilor Farnham feels it is asking much of volunteers given cost of gas and they should consider some compensation plan to address it. Manager Klimm would like to open that discussion and would be willing to work on that. He could come up with a supplemental budget if the council is in favor.

Police Department Budget

Manager Klimm made a few comments and introduced Chief Paul MacDonald, who made a PowerPoint presentation (see Exhibit F)

- Councilor Barry said that the favorable increase of 10% in the number of people who indicated an improvement in Police Department services is attributable to Chief MacDonald.
- Councilor Farnham asked if the overtime budget will decrease with the new staff to be hired. MacDonald said full staffing should make a significant difference in the overtime expenditures, but not totally eliminate it.
- Councilor Curtis asked about the details and program objectives of foot patrol. MacDonald explained he is requiring officers to park and walk through the communities for a specific amount of time during a shift. This eliminates identity problems and the patrols are better able to deal with individuals.
- Councilor Chirigoitis said the beat officers are better at thwarting crime.

Airport Budget

Airport Manager Mosby made a PowerPoint presentation. (See Exhibit G)

Department of Public Works

Director Mark Ells made a PowerPoint presentation, reviewing the department's operating budget and summarizing the changes. (See Exhibit H)

- Councilor Curtis asked about the focus of the funds and the needs of the town hall building. Ells said the resources are focused on priority items. A grants person may bring in more money; however, he will live within the allotment. Manager Klimm added that the town hall is a reflection of the community and he will address some of the needs with a capital plan. The roof need to be redone and new technology will be incorporated into the process. CPC funds and grants will be sought.
- Councilor Milne pointed out that Yarmouth has put photovoltaics on the roof of the town hall. He favors moving forward with reducing the number of town owned buildings which are a structural liability. Maybe the fire districts, if they are to remain, can take over some of the village centered buildings such as the Cotuit Fire District did with Freedom Hall. Klimm said they will continue to have such conversations. A workshop or subcommittee to work with the town was suggested.

Regulatory Services

Director Tom Geiler said there were not a lot of changes this year. The goals are the same – to provide effective services. Eighty percent of the public who interact with his department are

contactors. The staff is working hard to facilitate the process; most building permits are issued within the day. His is the smallest department budget-wise, but biggest dept when it comes to hearing from the public. The police department and his staff are doing some inspections jointly.

- Councilor Curtis complemented the department on its enforcement of the regulations and ordinances.
- Councilor Barry asked whether Crocker Neck gate, which is not funded, will remain unlocked. The department is looking at grant opportunities and the possibility of pay a share towards someone's salary who is already going around locking gates.
- Councilor Milne asked about energy efficient vehicles and leasing in lieu of purchasing. Director Geiler said the more energy efficient vehicles are the most expensive of limited use, since they require pick-ups. There are more gains and savings in buildings that are energy efficient. He will take advantage of vehicles with better fuel efficiencies, but is not able to go after the highest efficiencies. Leasing vehicles shows financial savings. While purchasing is less expensive, leasing has no maintenance cost.

Community Services Department

Lynn Poyant, Director of Community Services made a PowerPoint presentation. (See Exhibit I)

- Councilor Curtis asked about the marketing position for the new youth center. If successful, how long will that person be used, and is this premature? Poyant said she plans on bringing the person on a year in advance of opening the doors. The facility has already been "booked" by local organizations. However, she wants to make the best use of the facility that can be made, which includes making it a venue that will appeal as a viable facility to organizations well off-Cape. Eric Shufelt, Marina Manager, answered a question on dock replacement. It has been ongoing at Barnstable Harbor; Prince Cove was ice-free this winter and had a good season. Obligations at Prince Cove are being met financially.
- Councilor Milne asked about the status of the Louis Bay ramp. Harbormaster, Dan Horn, said the bid documents are going out; funding has been approved.

It was suggested that the remainder of the budget presentations be held over to the May 15th meeting. The council will also meet on May 22nd and May 29th.

Upon a motion duly made and seconded it was voted to adjourn the meeting at 10:55 PM.

VOTE: Unanimous

Respectfully submitted,

Lucia Fulco,
Assistant Town Clerk